

UNITED STATES DISTRICT COURT
Northern District of California

HAKAM SINGH MISSON, an individual, and
SIMRAT KAUR MISSON, an individual,

No. C 12-6359 MEJ

ORDER TO SHOW CAUSE

Plaintiffs,

v.

ENRICO JOHN POLIMENO, et al.,


Defendants.

Plaintiffs Hakam Singh Misson and Simrat Kaur Misson filed this case on December 14, 2012, with 16 state law causes of action related to a real estate transaction in San Joaquin County. Dkt. No. 1. Plaintiffs allege that diversity jurisdiction exists in this Court pursuant to 28 U.S.C. § 1332. However, based on the allegations in the Complaint, it appears that Plaintiffs and all but one of the named Defendants are residents of California. Compl. at 2-3. In order for diversity jurisdiction to exist, there must be complete diversity between all plaintiffs and all defendants. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373 (1978). Thus, as diversity jurisdiction does not appear to exist and there are no federal causes of action, it appears that this case is not properly in federal court and should instead have been filed in state court. Accordingly, the Court hereby ORDERS Plaintiffs Hakam Singh Misson and Simrat Kaur Misson to show cause why this case should not be dismissed for lack of jurisdiction. Plaintiffs shall file a declaration by January 17, 2013. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on January 31, 2013 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby provided to Plaintiffs that the Court may dismiss the case without a hearing if no responsive declaration is filed. Thus, it is

imperative that Plaintiffs file a written response by the deadline above. Alternatively, Plaintiffs may choose to file a notice of voluntary dismissal without prejudice and re-file this case in state court.

IT IS SO ORDERED.

Dated: January 9, 2013



Maria-Elena James
United States Magistrate Judge